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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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BLAKELY SOKOLOFF TAYLOR & ZAFMAN  
12400 WILSHIRE BOULEVARD  
SEVENTH FLOOR  
LOS ANGELES, CA 90025-1030

EXAMINER

SMITH, SHEILA B

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 05/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/025,088	<b>Applicant(s)</b> WANT ET AL.	
	<b>Examiner</b> Sheila B. Smith	<b>Art Unit</b> 2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,3-15 and 17-42 is/are pending in the application.
- 4a) Of the above claim(s) 2 and 16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1,3-15 and 17-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Objections*

1. Claims 5-7 and 19-20 are objected to because of the following informalities: These claims depend on claims that have been canceled. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-42 are rejected under 35 U.S.C. 102(e) as being anticipated by Tobin (U.S. Publication 2002/0077992).

***Regarding claim 1,*** Tobin discloses a method and system for providing targeted advertising and personalized customer services. Tobin additionally discloses a portable device (which reads on a customer card 105), which includes a wireless communication module (which reads on PTD 170) to communicate with each of a plurality of remote devices within a locality a data storage module which defines a first storage area (public storage) and a second storage area (private storage) a first storage area defines a public storage area with which selected remote devices exchange data in a relatively free manner, and the second storage area defines a private storage area with which selected remote devices exchange data in a relatively restricted manner (which reads on paragraph 0007); and a controller (which reads on a processor ) connected to the

Art Unit: 2681

wireless communication module and to the data storage module, the controller controlling the communication of data between the first storage area and the remote device and the second storage area and the remote device dependent upon access rights associated with the remote device (as exhibited in figure 2 and disclosed in paragraph 0033).

***Regarding claim 3,*** Tobin discloses a controller filters requests from each of the remote devices to exchange data and to selectively reject and accept the requests in response to the nature of services offered by the remote device (which reads on paragraphs 0027).

***Regarding claim 4,*** Tobin discloses a controller defines access rights to the first and second storage areas and, dependent upon the access rights, allows the remote device to store and retrieve data from at least one of the first and second storage areas (which reads on paragraphs 0033).

***Regarding claim 5,*** Tobin discloses a digital certificate of authenticity is requested from the remote device prior to communicating data between the remote device and the private storage area (which reads on paragraphs 0032).

***Regarding claim 6,*** Tobin discloses a controller restricts how often and the amount of data which is writable by the remote device into the public storage area (which reads on paragraphs 0032).

***Regarding claims 7,8,*** Tobin discloses a data stored in the public storage area is selectively cleared by the controller in an automated fashion (which reads on paragraphs 0027).

***Regarding claims 9,*** Tobin discloses a Universal Plug and Play (UPnP) broadcasts (which reads on paragraphs 0032).

***Regarding claims 10, 11,*** Tobin discloses a wireless communication module is a radio frequency (RF) transceiver which communicates using a standardized communication protocol (which reads on paragraphs 0023).

***Regarding claims 12*** Tobin discloses a controller selectively interfaces the portable device to a computer system to permit a user to access and store data in the data storage module (which reads on paragraphs 0024).

***Regarding claims 13*** Tobin discloses a remote device is defined by another portable device within the locality (which reads on paragraphs 0024).

***Regarding claims 14*** Tobin discloses a rechargeable power supply for powering its various components (which reads on paragraphs 0027).

***Regarding claim 15,*** Tobin discloses a method and system for providing targeted advertising and personalized customer services. Tobin additionally discloses a portable device (which reads on a customer card 105), which includes a wireless communication module (which read on PTD 170) to communicate with each of a plurality of remote devices within a locality a

Art Unit: 2681

data storage module which defines a first storage area (public storage) and a second storage area (private storage) a first storage area defines a public storage area with which selected remote devices exchange data in a relatively free manner, and the second storage area defines a private storage area with which selected remote devices exchange data in a relatively restricted manner (which reads on paragraph 0007); and a controller (which reads on a processor )connected to the wireless communication module and to the data storage module, the controller controlling the communication of data between the first storage area and the remote device and the second storage area and the remote device dependent upon access rights associated with the remote device (as exhibited in figure 2 and disclosed in paragraph 0033).

***Regarding claim 17,*** Tobin discloses a controller filters requests from each of the remote devices to exchange data and to selectively reject and accept the requests in response to the nature of services offered by the remote device (which reads on paragraphs 0027).

***Regarding claim 18,*** Tobin discloses a controller defines access rights to the first and second storage areas and, dependent upon the access rights, allows the remote device to store and retrieve data from at least one of the first and second storage areas (which reads on paragraphs 0033).

***Regarding claim 19,*** Tobin discloses a digital certificate of authenticity is requested from the remote device prior to communicating data between the remote device and the private storage area (which reads on paragraphs 0032).

***Regarding claim 20,*** Tobin discloses a controller restricts how often and the amount of data which is writable by the remote device into the public storage area (which reads on paragraphs 0032).

**Regarding claim 21**, Tobin discloses a method which includes monitoring, by means of a portable device (which reads on a customer card 105), wireless communications from a plurality of remote devices requesting substantive communications with the portable device within a locality (which reads on paragraphs 0012), the portable device including a data storage module which defines a first storage area and a second storage area a first storage area defines a public storage area with which selected remote devices exchange data in a relatively free manner, and the second storage area defines a private storage area with which selected remote devices exchange data in a relatively restricted manner (which reads on paragraph 0007); identifying access rights associated with the remote device (which reads on paragraphs 0022); and controlling (which reads on a processor) the communication of data between the first storage area and the remote devices and a second storage area and the remote device dependent upon the access rights (as exhibited in figure 2 and disclosed in paragraphs 0033).

**Regarding claim 22** Tobin discloses a first storage area defines a public storage area with which selected remote devices exchange data in a relatively free manner, and the second storage area defines a private storage area with which selected remote devices exchange data in a relatively restricted manner (which reads on paragraph,0033).

**Regarding claim 23**, Tobin discloses a controller filters requests from each of the remote devices to exchange data and to selectively reject and accept the requests in response to the nature of services offered by the remote device (which reads on paragraphs 0027).

**Regarding claims 24,25**, Tobin discloses a controller defines access rights to the first and second storage areas and, dependent upon the access rights, allows the remote device to store and

Art Unit: 2681

retrieve data from at least one of the first and second storage areas (which reads on paragraphs 0033).

***Regarding claim, 26,*** Tobin discloses a digital certificate of authenticity is requested from the remote device prior to communicating data between the remote device and the private storage area (which reads on paragraphs 0032).

***Regarding claim 27,*** Tobin discloses a controller restricts how often and the amount of data which is writable by the remote device into the public storage area (which reads on paragraphs 0032).

***Regarding claims 28, 29,*** Tobin discloses a data stored in the public storage area is selectively cleared by the controller in an automated fashion (which reads on paragraphs 0027).

***Regarding claim 30,*** Tobin discloses a Universal Plug and Play (UPnP) broadcasts (which reads on paragraphs 0032).

***Regarding claims 31, 32*** Tobin discloses a wireless communication module is a radio frequency (RF) transceiver which communicates using a standardized communication protocol (which reads on paragraphs 0023).

***Regarding claim 33,*** Tobin discloses a computer program product including a medium readable by a computer, the medium carrying instructions which, when executed by the computer causes the computer to monitor, by means of a portable device (which reads on a customer card 105), wireless communications from a plurality of remote devices requesting substantive communications with the portable device within a locality (which reads on paragraphs 0012), the portable device including a data storage module which defines a first storage area and a second storage area a first storage area defines a public storage area with



Art Unit: 2681

which selected remote devices exchange data in a relatively free manner, and the second storage area defines a private storage area with which selected remote devices exchange data in a relatively restricted manner (which reads on paragraph 0007); identifying access rights associated with the remote device (which reads on paragraphs 0022); and controlling (which reads on a processor) the communication of data between the first storage area and the remote devices and a second storage area and the remote device dependent upon the access rights (as exhibited in figure 2 and disclosed in paragraphs 0033).

***Regarding claim 34*** Tobin discloses a first storage area defines a public storage area with which selected remote devices exchange data in a relatively free manner, and the second storage area defines a private storage area with which selected remote devices exchange data in a relatively restricted manner (which reads on paragraph,0033).

***Regarding claim 35***, Tobin discloses a controller filters requests from each of the remote devices to exchange data and to selectively reject and accept the requests in response to the nature of services offered by the remote device (which reads on paragraphs 0027).

***Regarding claims 36, 37***, Tobin discloses a controller defines access rights to the first and second storage areas and, dependent upon the access rights, allows the remote device to store and retrieve data from at least one of the first and second storage areas (which reads on paragraphs 0033).

***Regarding claim 38*** Tobin discloses a digital certificate of authenticity is requested from the remote device prior to communicating data between the remote device and the private storage area (which reads on paragraphs 0032).

**Regarding claim 39** Tobin discloses a controller restricts how often and the amount of data which is writable by the remote device into the public storage area (which reads on paragraphs 0032).

**Regarding claims 40, 41**, Tobin discloses a data stored in the public storage area is selectively cleared by the controller in an automated fashion (which reads on paragraphs 0027).

**Regarding claim 42**, Tobin discloses a Universal Plug and Play (UPnP) broadcasts (which reads on paragraphs 0032).

### ***Conclusion***

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 2681

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila B. Smith whose telephone number is (571)272-7847. The examiner can normally be reached on Monday-Thursday 6:00 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

S. Smith  
May 2, 2005

JEAN GELIN  
PRIMARY EXAMINER

Jean Richard Gelin